



Comptroller General
of the United States
Washington, D.C. 20548

Decision

Matter of: Santee Modular Homes, Inc.

File: B-261286

Date: May 10, 1995

DECISION

Santee Modular Homes, Inc., the low bidder, protests any award of a contract to another bidder by the Department of Agriculture (USDA), Natural Resources Conservation Service under invitation for bids (IFB) No. SCS-65-GA-95.

Santee stated that USDA raised some concerns regarding Santee's ability to perform the work required under the IFB; Santee therefore requested a Certificate of Competency (COC) from the Small Business Administration (SBA). SBA declined to issue Santee a COC. Santee states that the denial was based on "the timeliness of certain work previously completed by Santee."

The Small Business Act, 15 U.S.C. § 637(b)(7) (1988 and Supp. V 1993), gives the SBA, not our Office, the conclusive authority to review a contracting officer's determination that a small business is not responsible. Our Office limits review of the denial of a COC to instances in which the protester's submission indicates that SBA action on a referral may have been taken fraudulently or in bad faith or that the SBA failed to consider vital information bearing on the protester's responsibility. Spheres Co., B-225755, June 5, 1987, 87-1 CPD ¶ 573. Such circumstances are not present here.

The protest is dismissed.

A handwritten signature in cursive script, reading "Michael Golden".

Michael Golden
Acting Associate General Counsel